THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 15

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

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Ex parte ROBERT D. ROSEMAN

_____

Appeal No. 96-3393
Application 07/883,623[1]

_____

ON BRIEF

_____

Before HAIRSTON, MARTIN and CARMICHAEL, ***Administrative Patent Judges***.

CARMICHAEL, ***Administrative Patent Judge***.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1-13, which constitute all the claims remaining in the application.

Claim 1 reads as follows:

1. A computer system, comprising:

[1] Application for patent filed May 13, 1992.

a) a host computer, to which a plurality of local computers can link, which

i) generates a common image for display by the local computers, and

ii) allows users of the local computers to modify the common image.

The Examiner's Answer relies on the following prior art reference in rejecting the claims:

Nakayama et al. (Nakayama) 5,363,507 Nov. 8, 1994
(Filed Aug. 12, 1991)

OPINION

The claims stand rejected under 35 U.S.C. § 103 as unpatentable over Nakayama.

We affirm for the reasons given by the examiner, amplified as follows.

Claims 1, 2, and 6

Appellant argues that Nakayama does not suggest any host computer at all, let alone a host computer that generates a common image for display and modification by all users.

Claims undergoing examination are given their broadest reasonable interpretation consistent with the specification, and limitations appearing in the specification are not to be read into the claims. ***In re Etter***, 756 F.2d 852, 858, 225 USPQ 1, 5 (Fed. Cir. 1985) (in banc). We agree with the examiner that any

of the computers shown in Nakayama's Figure 1 can be considered a "host." Any one of those computers is operative to generate a common image for display and modification by all users. Column 2, lines 24-39; column 5, lines 49-61; column 7, lines 55-58. Thus, Nakayama suggests the subject matter of claims 1, 2, and 6.

Moreover, although the claims do not call for a centralized dedicated host, that would have been obvious as well.

Claims 3-5, 7-8, and 13

Appellant argues that Nakayama does not suggest creating and distributing video images. In particular, appellant argues that Nakayama's repeated use of the word "video" was a misnomer or a mistake.

As evidence, appellant points to column 10, lines 64-68, which state "[t]he information 58 includes such static images as photographs and portraits and video images." Appellant argues that sentence refers to "video images" as "static images." We disagree. The disputed sentence suggests that information 58 includes (1) such static images as photographs and portraits and (2) (non-static) video images.

Moreover, the recited creation and distribution of video images is further suggested by other portions of Nakayama. Column 13, lines 40-49; column 15, lines 5-8.

Moreover still, even static images are encompassed under the broadest reasonable interpretation of "video."

Claims 9-11

We agree with the examiner that Nakayama suggests the recited communication. Examiner's Answer at 8-10. Nakayama incorporates by reference U.S. Patent No. 5,208,912 which teaches that a remote conference may consist of three people and suggests that two of them create a separate conference without the third participant.

Claim 12

Nakayama teaches program means which recognizes a request for a conference and, in response, allows the requestor to identify computers and request the data link. For example, Nakayama's "admit" command constitutes one such conference request. Column 6, lines 29-35.

Claim 12 requires that the request be made by actuating an icon. Nakayama's requestor can make the request by actuating a command from a menu with a cursor. Column 6, lines 29-35. Nakayama fairly suggests that the request could be made by actuating an icon. Column 5, lines 40-44; column 11, lines 17-21. We recognize that the mere fact that the prior art may be modified in the manner suggested by the examiner does not make

the modification obvious unless the prior art suggested the desirability of the modification. ***In re Fritch***, 972 F.2d 1260, 1266 n.14, 23 USPQ2d 1780, 1783-84 n.14 (Fed. Cir. 1992). Nonetheless, we find that Nakayama suggests the desirability of using an icon display mode to help the user intuitively find the intended choice. Column 11, lines 48-54.

CONCLUSION

The rejection of claims 1-13 is sustained.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR 1.136(a).

AFFIRMED

KENNETH W. HAIRSTON Administrative Patent Judge	)	
JOHN C. MARTIN Administrative Patent Judge	)	BOARD OF PATENT APPEALS AND INTERFERENCES
JAMES T. CARMICHAEL Administrative Patent Judge	)	

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